

**MANSFIELD TOWNSHIP LAND USE BOARD
FEBRUARY 21, 2018
MINUTES**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Absent: None

Also present: William Edleston, Esquire; Drew DiSessa, P.P.

Pledge of Allegiance was recited by all

MOTION was made by **BARTON** to approve the **minutes** of the **January 17, 2018** meeting, as written.
SECONDED: HIGHT.

Those in favor: Spender, Barton, Farino, Keggan, Hayes, Hight, Minter, Jewell, Vaezi

Opposed: None.

Abstained: None.

MOTION was made by **HAYES** to approve the **Executive Session minutes** of the **January 17, 2018** meeting.

SECONDED: HIGHT.

Those in favor: Spender, Barton, Farino, Keggan, Hayes, Hight, Minter, Jewell, Vaezi

Opposed: None.

Abstained: None.

APPLICATION - RESOLUTION:

Case #17-06, Mansfield Commons II – Amended Site Plan – Block 1105, Lot 12.02

Mr. Edleston, Esq reviewed changes requested by the applicant:

- In #2 on Page 3 the 4th line down after the words ‘free standing directional signs’, they wanted ‘as well as certain ancillary signage, ATM signage, clearance signage and drive-thru signage added.
- In #4 on Page 3 which stated the applicant anticipates the building will be occupied as either a bank, credit union or drive thru pharmacy, they wanted to add ‘or any other similar use allowed in the B-2 zone’.
- At the top of Page 7 the square footage of the two directional signs totaling 1.9 square feet should be shown as each sign being .9 square feet for a total of 1.9
- In #1 on the last page construction fees should be inspection fees.

The change requested of ‘any other similar use allowed in the B-2 zone’ was discussed as a fast food restaurant could go in without our approval. Mr. Edleston suggested the wording be added if any other

similar use other than those specifically stated would require coming back to the Board for approval.

Mr. DiSessa also noted that Mansfield Commons said it was a 150 square foot addition but the plans show 50sf, which he recalls that they clarified during their testimony. Also, on Page 9, #7 after drive-thru lane 'and bypass lane in the rear of the existing building' should be added.

MOTION was made by **JEWELL** to approve the Resolution with the proposed changes for **Case #17-06, Mansfield Commons II - Block 1105, Lot 12.02.**

SECONDED: VAEZI

Those in favor: Spender, Barton, Farino, Keggan, Hayes, Hight, Minter, Jewell, Vaezi

Opposed: None.

Abstained: None.

APPLICATION – COMPLETENESS AND HEARING

Case #17-07, Mark Duke – Bulk Variance – Completeness and Hearing - Block 3202, Lot 4

Mr. Jewell recused himself.

Alternate Creedon assumed his position at the dais.

Time is 7:41pm.

Present for the applicant: Richard Keiling, Esq., Mark Duke

Edleston swore in property owner, Mr. Mark Duke.

Mr. Duke presented and described 11 photos he had taken. This property is completely level on a culdesac with a barn on it. The first picture was a conceptual of the barn once it is converted. The existing shed roof over the future porch is too large and will be cut back to about 5-6 feet. The second photo shows the inside 2nd floor which looks brand new. There are two photos showing the driveway from an entrance and exit perspective.

Mr. Duke, being a realtor, believes that the proposed barn conversion would be an improvement to the property and neighborhood.

Mr. Keiling, Esq. pointed out that there are soil logs shown on the map but not a septic design.

Mr. Duke explained he is also renovating a house he currently owns on Lot 5 with an approved septic plan. Both soil logs were done on the same day and the Lot 4 log shows soil conducive to a septic. It was decided not to submit a septic plan for this property until the Board approved the variance.

Mr. Keiling, Esq. noted that the property is 17,500 sf which is shy of the ½ acre required while the front, side and rear yard setbacks are met.

In response to Mr. DiSessa's report comments:

1. The existing driveway, if remaining, will be put on the plans
2. Proposed setbacks should be corrected in zoning schedule as actual setbacks which will be shown on revised plans.
3. Proposed limits of clearing in rear of structure and any proposed grading shall be shown on the plans.
4. Approval from Warren County Health Department with regards to septic and well which will be shows as a condition.

5. Applicant should provide testimony as to the disposition of the existing shed whether it will remain or be removed. Mr. Duke commented it will be removed as it is in front of the barn.
6. Any approvals should be conditioned on any outside agencies approvals. Mr. Keiling explained he submitted a Land Development Application to the Warren County Planning Board, Richard Miller, on December 21 and has a letter indicated no submission is required.

Mr. Duke explained he is not able to secure any additional property as Lot 4 and 5 are not contiguous. There is a 25 foot wide parcel that goes between the properties, Lot 10. All three properties were owned by the deceased Mr. O'Brien who had had a reverse mortgage. When the bank recorded the lien it was without Lot 10.

Mr. Duke mentioned that the Engineer had drawn the proposed Lot 4 septic in the front of the house and the well in the back meeting all required separation distances.

Mr. Duke provided some history on the properties explaining that Mr. O'Brien purchased these lots in four pieces with the house, barn and Lot 10 staff portion and the rear Lot 10 flag parcel which fronted Honey Lane. The estate was never probated and Wells Fargo was still paying taxes on Lot 10. In early 2017 Mr. Duke thought he purchased all of the lots from Fannie Mae when it was discovered Lot 10 was not included.

Chair Vaezi expressed concern that someone may come to the Board in the future to build on Lot 10.

DiSessa noted that flag lots have special requirements in our Ordinance which may require more variances.

Mr. Duke's shared his plan to renovate the house, do something to the barn and improve the property to resell both houses individually. Having a barn on a separate non-contiguous property requiring access by going out to the street would not be marketable.

CHAIRMAN VAEZI opened the Hearing to the general public for comments or questions.

Time is 8:15pm

Mr. Edleston, Esq. swore in Shirley Kocher, 5 Clover Ave

Mrs. Kocher spoke as her property backs up to Lot 10. Her major concern is she had a tax lien on Lots 4 and 10 which the Township Tax Collector, who was informed by the bank that they owned it, provided reimbursement for the lien. If Mr. Duke was told it is still part of Mr. O'Brien's estate why did the bank reimburse her for the lien. She further explained that Gloria Kocher had been the original owner of these lots with Lot 10 she believed having been purchased from Mansfield Township in a tax sale. She put a pole barn up just for storage. Mrs. Kocher also shared concern with the septic as theirs was replaced in 1986 and mentioned that this small road is not a culdesac but rather becomes her brother-in-law's driveway. Mrs. Kocher also mentioned there have been several sink holes over the years.

Mr. Edleston, Esq. swore in Jay Rupell, 55 Schaffer Road

Mr. Rupell asked about where the Highlands is.

Mr. DiSessa provided a response that this property is in the Planning area which does not have the criteria that the Preservation area does.

Mr. Rupell asked about setbacks.

Mr. DiSessa indicated that the minimum setbacks are met by this structure.

CHAIRMAN VAEZI closed the public Hearing since there were no comments or questions.

Time is 8:33pm

Mr. Keiling reiterated that the existing barn structure will remain the same, just the interior is being renovated with a foundation under it with a septic system while meeting all of the setback requirements. Whether this improvement is approved or not that structure will still be there and continue to deteriorate.

Chair Vaezi asked if this title issue could be a condition for the applicant to provide conformation that there is no clear title.

CHAIRMAN VAEZI re-opened the Hearing to the general public for comments or questions.

Time is 8:41pm.

Mr. Kocher, 5 Clover Ave, spoke to his septic that was replaced in 1986 which was made bigger due to thoughts of adding a future bedroom to their home.

CHAIRMAN VAEZI again closed the Hearing to the general public for comments or questions.

Time is 8:43pm.

Mr. DiSessa brought up that our Ordinance does not allow an accessory building without a principal structure on a lot so this is non-conforming right now.

MOTION was made by **HIGHT** to approve the minimum lot size bulk variance request for **Case #17-07**, Mark Duke conditioned on additional documentation, limit to existing footprint as a two bedroom 1500 square foot house.

SECONDED: CREEDON

Those in favor: Spender, Barton, Hayes, Hight, Creedon

Opposed: Keggan, Farino, Minter, Vaezi

Abstained: None.

Mr. Edleston, Esq. mentioned that an application by Meadows will be coming in next month but have a large tax delinquency.

Mr. Edleston also indicated the water connection will be done before the State paves Route 57 and their issue with gas line has been resolved and Elizabethtown will be extending their line along the shoulder of Route 57 instead of Anderson Road.

Mr. DiSessa alerted the Board that NJ DEP is coming out with a new Stormwater General Permit, MS4, which will require all Board members go through an online course by June 30, 2018.

MOTION was made by **HAYES** to approve Mr. Edleston, Esq. to send letter to the Meadows regarding not hearing their application until the taxes are paid.

SECONDED: HIGHT

Those in favor: Spender, Barton, Hayes, Hight, Jewell, Keggan, Farino, Minter, Vaezi

Opposed: None.
Abstained: None.

MOTION was made by **SPENDER** to authorize payment by the Township Committee of the invoices submitted by the professionals.

SECONDED: HAYES

Those in favor: Spender, Barton, Hayes, Hight, Jewell, Keggan. Farino, Minter, Vaezi
Opposed: None.
Abstained: None.

Chairman Vaezi thanked Mr. DiSessa for his service as the Board has decided to go with Kastrud Engineering as their 2018 Engineer.

MOTION was made by **VAEZI** to appoint Kastrud Engineering, LLC as the 2018 Land Use Board Engineer.

SECONDED: FARINO

Those in favor: Spender, Barton, Hayes, Hight, Jewell, Keggan. Farino, Minter, Vaezi
Opposed: None.
Abstained: None.

The Chairman adjourned the meeting at 9:18pm

Respectfully submitted,

JoAnn Griffith, Clerk